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AUG 27 2009	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

GEORGE ROSENTHAL,

Plaintiff,

vs.

GEORGE FOLEY, ESQ., *et al.*,

Defendants.

Case No. 3:09-cv-0447-ECR-RAM

ORDER

Plaintiff, who is in the custody of the Nevada Department of Corrections, has submitted a "Notice of Intent to File Civil Rights Complaint Pursuant to 42 U.S.C. § 1983" (#1-2). However, plaintiff has not paid the \$350.00 filing fee and did not submit an application to proceed *in forma pauperis* with a signed and executed financial certificate and a copy of his inmate trust account statement as required by 28 U.S.C. §1915(a) and Local Rules LSR 1-1 and 1-2. Plaintiff has not submitted a complaint in this case. The submission of a "notice" to the Court without a complaint is not sufficient to commence a civil action. The Local Rules further require that the application and complaint be made on the forms provided by this court. LSR 1-4 and 2-1.

IT IS THEREFORE ORDERED that the Clerk of the Court shall send plaintiff a blank application form for an application to proceed *in forma pauperis* for incarcerated litigants with instructions and a blank civil rights complaint form with instructions.

IT IS FURTHER ORDERED that the action is **DISMISSED** without prejudice for plaintiff's commencement of a **NEW** action in which he either pays the \$350.00 filing fee in full or submits a complete application to proceed *in forma pauperis*, accompanied by a properly executed financial certificate and a copy of his inmate trust account statement, and a complaint on the proper forms.

1 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment accordingly.

2 DATED: *August 26, 2009*

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5 UNITED STATES DISTRICT JUDGE
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